

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

BRUCE A. CARMEAN

Plaintiff,

V.

CARLEX GLASS AMERICA, LLC,

Defendant.

Case No. 1:21-cv-00287

NOTICE OF REMOVAL

Carlex Glass America, LLC (“Defendant”), pursuant to 28 U.S.C. § 1441, respectfully removes this case to the United States District Court for the Northern District of Indiana. The grounds for removal are:

1. On June 29, 2021, a civil action was filed against Defendant, the only Defendant named and served in this matter, in the Superior Court of Noble County, State of Indiana, entitled Bruce A. Carmean v. Carlex Glass America, LLC, Case No. 57001-2106-CT-000019.

2. True and correct copies of all process, pleadings and orders served upon Defendant are attached hereto as the following exhibits:

Exhibit A - Complaint

Exhibit B - Summonses

3. Plaintiff's Complaint and Summons were served on Defendant on June 30, 2021. This Notice of Removal is filed within 30 days of the first day of service pursuant to 28 U.S.C. § 1446(b).

4. This Notice of Removal is timely under the provisions of 28 U.S.C. § 1446(b).

5. This is a case over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331, and which may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441, in that it is a civil action in which a federal question arises under the laws of the United States.

(a) Plaintiff has alleged a violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., the Americans With Disabilities Act, 42 U.S. C. § 12101 et. seq., the Family and Medical Leave Act, 29 U.S.C. § 2601 et. seq., and the Families First Coronavirus Protection Act.

6. In addition, this is a case over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and which may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441, in that it is a civil action in which the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and is between citizens of different states.

(a) Upon information and belief, Plaintiff was at the time he commenced this case, and still is, a citizen of the State of Indiana.

(b) Defendant was at the time Plaintiff commenced this case, and still is, a corporation incorporated only under the laws of the State of Delaware, with its principal place of business in the State of Tennessee (**Exhibit C** - Affidavit).

(c) Defendant was not at the time Plaintiff commenced this case, has not been, and is not now, a citizen of the State of Indiana, the state in which Plaintiff commenced this case.

(d) Plaintiff seeks an award of back pay, front pay, compensatory damages, and punitive damages. The prayer for relief in the Complaint seeks such damages in an unstated amount and demands a jury. Accordingly, there is no question that Plaintiff seeks an award of damages exceeding \$75,000, exclusive of interest and costs.

7. Based upon the preceding facts, this Court has original jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1332, and this case is therefore properly removable to this Court pursuant to 28 U.S.C. § 1441(b).

8. Defendant states that true and correct copies of this Notice of Removal will be filed with the Clerk in the Superior Court of Noble County, State of Indiana, promptly after the filing of this Notice of Removal.

9. A completed Civil Cover Sheet is attached hereto as **Exhibit D.**

WHEREFORE, Defendant prays that the above-described action pending in the Superior Court of Noble County, State of Indiana, be removed therefrom to this Court.

Respectfully submitted,

/s/ Caroline E. Richardson

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